

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TIMOTHY E. SAMPSON,

Plaintiff,

v.

CARLA DAVIS,

Defendant.

Case No. 2:19-cv-176

HON. JANE M. BECKERING

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant filed a Motion for summary judgment (ECF No. 28). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on May 12, 2022, recommending that this Court grant the motion and dismiss the case because Plaintiff's grievance was frivolous. In addition, the Magistrate Judge recommended that the case be dismissed for failure to prosecute. The Report and Recommendation was duly served on the parties. No objections have been filed.¹ See 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 31) is APPROVED and ADOPTED as the Opinion of the Court.

¹ On May 31, 2022, Plaintiff filed a letter addressed to the Clerk alleging that he did not receive the summary judgment motion underlying the Report and Recommendation, and thus could not respond (ECF No. 32). In his letter, Plaintiff acknowledged receipt of the Report and Recommendation on May 16, 2022 (ECF No. 32). In response, Defendant Davis filed Proof of Service stating that on June 1, 2022, the motion for summary judgment and brief in support were again mailed to Plaintiff (ECF No. 33). It has now been well over a month, and Plaintiff has failed to file any response to the motion for summary judgment or an objection to the Report and Recommendation.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 28) is GRANTED.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith because Plaintiff failed to file any objections. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: July 14, 2022

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge